

Amphenol

Amphenol Corporation

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FEDERAL EXPRESS

December 15, 1995

Lawrence Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

**RE: Administrative Order on Consent Dated November 27, 1990
IND 044 587 848 - Franklin, IN ("Site")**

Enclosures: 1) Letter dated September 22, 1995 from S. Waldo
(Amphenol) to W. Buller (USEPA)
2) Copy of newspaper article in the Weekend Daily
Journal, Johnson County, IN.

Dear Mr. Johnson:

On August 15, 1995 Mr. W. Buller of the USEPA sent a letter to Mr. S. Waldo (Amphenol) with comments on a draft Corrective Measures Study (CMS) for the above referenced Site. Mr. Waldo responded to Mr. Buller's concerns in a letter dated September 22, 1995. Amphenol did not receive any further communications from USEPA until November 20th when it received a letter from P. Little (USEPA Enforcement) seeking to subject Amphenol to stipulated penalties under the Consent Order. On November 30th Amphenol responded by invoking the Dispute Resolution, Reservation of Rights, and the Excusable Delays provisions of the Consent Order. Amphenol also expressed its disappointment that USEPA assessed penalties unilaterally, without consultation and without responding to repeated offers to meet and discuss any and all of the issues addressed in the revisions to the CMS. On December 8, 1995 Mr. Buller telephone Mr. Waldo and suggested that a meeting take place on December 19, 1995 to discuss this matter. Mr. Little in his November 20th letter and Mr. Buller in his phone conversation with Mr. Waldo have made it clear that the only substantive area of concern is Amphenol's "failure" to provide "sufficient remedy options" for the area along Forsythe Street.

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Amphenol has certainly welcomed and encouraged informal discussions amongst the technical people. In fact, Amphenol strongly believes that an informal meeting is the only context in which meaningful progress can be made at the Site. However, in view of the formality of the communications that have been exchanged between the parties, Amphenol is concerned about the legal status, or lack thereof, of the meeting proposed by Mr. Buller. Specifically, we are at a point in which USEPA has sought to impose Stipulated Penalties. Amphenol has replied by invoking its right to dispute resolution and raising certain defenses. Under the Consent Order there is a thirty day (30) period for USEPA to attempt to resolve the dispute. Amphenol believes that this requires USEPA to provide an individual with technical knowledge, other than Mr. Buller, who can evaluate objectively the positions taken by Mr. Buller for the Agency vis-a-vis Amphenol's response. We believe that at such a hearing Amphenol should be represented by Counsel and its technical advisors. If this is the type of meeting USEPA is proposing, Amphenol is ready to schedule it at a mutually convenient date. Amphenol, however, would rather schedule an informal discussion between technical staff at this time. If you are in agreement, we respectfully request that USEPA send us a letter indicating that the 30 day period for dispute resolution will be stayed until USEPA provides written notice otherwise.

Please understand that Amphenol's position has never been recalcitrant in any way. In fact, to the contrary, we have voluntarily installed an interim remedial measure at the plant. John Bonsett, the county's Director of Environmental Health, has been quoted as saying that Amphenol has been aggressive in trying to correct the problems at the Site and that he has been "highly impressed" with our efforts (see newspaper article enclosed.) Notwithstanding our heretofore cooperative demeanor, we firmly believe, and have been advised by our environmental consultants, that it is **technically not feasible** to propose remedial options at this time because we simply lack the data to propose a system that can address conditions along Forsythe Street in any meaningful way. This is why we have proposed the installation of permanent monitoring wells to assess constituent concentration and potential movement over time (see the enclosed letter for a detailed discussion.) In addition, there are very difficult access problems which may make it impossible to place a remediation system next to sewer lines which run under a street in a residential neighborhood.

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Amphenol fails to understand the pressing nature of the requirement to propose remedial alternatives at this time, before we can gather the necessary data, in light of the fact that we have already concluded a risk assessment (RCRA Facility Investigation or RFI) which was approved by EPA on July 22, 1994. In Section 5.6 of the approved RFI, groundwater was determined to be an effectively incomplete pathway for human exposure, with minimal attendant risk. The results of the Supplemental Investigation performed along Forsythe Street did nothing to alter this conclusion (see Section 7.5 of the approved RFI.) In the face of this study Amphenol does not understand why Mr. Buller has communicated to us that USEPA is planning to send a letter to the neighbors along Forsythe Street unnecessarily alarming them about the "risks," or "dangers," that these constituents may pose to them. Amphenol is concerned that such a letter would create an atmosphere of hysteria and litigation in the neighborhood while contributing nothing to the safety of the residents. Amphenol strongly advises USEPA to consider the possible or likely consequences of such an action specifically when local officials have been copied and advised of the data generated at the Site and they have not indicated that such a letter would be necessary or helpful. Therefore, Amphenol requests that local officials participate in any meeting involving notification/information at the Site.

Thank you for your attention to this matter. If you have any questions or comments please contact the undersigned at 203/265-8638.

Very truly yours,



Plinio Perez
Associate General Counsel

PP/mss

cc: W. Buller
S. Gard (w/encl.)
P. Little
G. Pendygraft
S. Waldo
E. Wetmore